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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,046	12/01/2003	Kim Alan Bellingrath	031383-9085-00	2960
23409	7590	06/14/2005	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			KIM, TAE JUN	
			ART UNIT	PAPER NUMBER
			3746	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,046

Applicant(s)

BELLINGRATH, KIM ALAN

Examiner

Ted Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/23/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.
2. In Claim 1 “a drain pipe extending through an upper portion of one of the walls of the chassis at a drain level [85] that is lower than the lowest portion of any of the side walls [40] (see Fig. 3)” is not enabled by the specification. In Figure 3, the drain level is never lower than 40.
3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As claim 1 is not enabled by the specification, it is not clear what the scope of the claim is.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Entrekin (5,484,522) in view of Nash et al (6,598,400). Entrekin teaches a method for controlling the drainage of liquids from system, the method comprising the steps of: providing an engine 22 (power plant, see e.g. col. 1, lines 14+); providing a chassis 20 having side walls that define a reservoir; supporting the engine 22 from underneath with the chassis; collecting in the reservoir water and high-density liquids (including oil) having a specific gravity greater than that of water; permitting the high-density liquids to float on top of the water in the reservoir; and removing water via a drain pipe 26 from the bottom portion 24 of the reservoir upon the level of water and other liquids in the reservoir exceeding a preselected drain level, while retaining the high-density liquids in the reservoir (col. 7, lines 45+). Entrekin does not teach the specific use of a microturbine for the power plant but does allow for great flexibility in terms of applying his invention (col. 8, lines 51+). Nash et al teach a microturbine system with an engine including a compressor 14 providing a flow of compressed air; a recuperator 26 preheating the flow of compressed air with a flow of hot waste gases; a combustor 18 mixing the preheated flow of compressed air with a fuel and combusting the mixture to create a flow of products of combustion; a turbine element 22 that rotates in response to the flow of products of combustion and exhausting the flow of hot waste gases into the recuperator; and a generator 30 generating electricity in response to rotation of the turbine element. It would have been obvious to one of ordinary skill in the art to employ the microturbine power generating system of Nash, as the power plant/oil containing device, in order to

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treat the water and/or oils emanating therefrom. The turbine being an outdoor assembly is matter of intended use and/or would have been obvious to one of ordinary skill in the art to employ outdoors, as an obvious matter of producing electricity where it is needed.

6. Claims 1, 3, 4, 6-9, 11, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Entrekin (5,484,522) in view of Nash et al (6,598,400), as applied above, and further in view of Young (4,960,513) and Rymal (4,851,133). Entrekin teaches various aspects of the claimed invention but does not specifically teach the drain pipe angled downward to communicate the bottom portion of the reservoir. Young is applied as a teaching reference which teaches water/oil separation where the water is removed from the bottom of the reservoir via 15. Rymal teaches using an angled drain pipe 70 is well known in the art. It would have been obvious to one of ordinary skill in the art to employ an angled drain pipe to drain the bottom of the reservoir of the water as a well known and/or equivalent separation tactic. As for the use of tapered pipe threads, this is notoriously old and well known in the art to use a tapered thread and would have been obvious to employ as the conventional practice in the art. As for the liquid pump, Entrekin further teaches the use of a pump for the discharge (col. 8, lines 51+) and also teaches sizing the reservoir to be larger than the oil volume plus additional capacity for maximum expected rainfall and any fire protection water volume (col. 7, lines 25+) and further teaches the sizing can be changed as needed or desired (col. 8, lines 62+). Entrekin does not teach the particular use of coolant with a specific gravity greater than that of water and the reservoir also having a volumetric capacity at least equal to the

combined volumes of lubricant and coolant. However, coolants with a specific gravity greater than that of water are well known in the microturbine/power generating art and would have been obvious to employ as a well known type of coolant used in the art. As for making the volumetric capacity at least equal to handling the oil and coolant, this is within the ordinary skill in the art as the additional capacity of rainwater and/or fire protection water allows for significant additional volumes and these volumes would most likely be larger than the coolant volumes and thus covered by the claim language.

Alternately, it would have been obvious to one of ordinary skill in the art to size the reservoir to handle all the liquids possibly contained in the turbine system. It would have been obvious to one of ordinary skill in the art to allow for the capacity of the coolant, as being within the ordinary skill in the art.

7. Claims 5, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Entrekin (5,484,522) in view of Nash et al (6,598,400) and further in view of Young (4,960,513) and Rymal (4,851,133), as applied above, and further in view of Mitchell (3,791,682). The prior art teaches various aspects of the claimed invention but does not teach a weather resistant enclosure surrounding the engine and having an access door and making the assembly water resistant. Mitchell teaches an enclosure 10 for a gas turbine engine and having access doors 32. It would have been obvious to one of ordinary skill in the art to employ an enclosure with access doors, in order to protect the microturbine assembly.

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8. Claims 2, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Entrekin (5,484,522) in view of Nash et al (6,598,400) and further in view of Young (4,960,513) and Rymal (4,851,133), as applied above, and further in view of Bullock (6,810,898). Entrekin teaches various aspects of the claimed invention but does not teach a plate integrally formed with the end of the drain and mounted to the exterior surface of the side wall of the chassis. Bullock teaches a pipe 110 with integral plate 130 and mounted to an exterior surface of the side wall of the chassis 182. It would have been obvious to one of ordinary skill in the art to employ an integral plate connected to the pipe and integrally mounted to the side wall of the chassis, as taught by Bullock, in order to facilitate a stronger or easy connection.


Contact Information

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ted Kim whose telephone number is 571-272-4829. The Examiner can be reached on regular business hours before 5:00 pm, Monday to Thursday and every other Friday.

The fax numbers for the organization where this application is assigned are 703-872-9306 for Regular faxes and 703-872-9306 for After Final faxes.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe, can be reached at 571-272-4444.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist of Technology Center 3700, whose telephone number is 703-308-0861. General inquiries can also be directed to the Patents Assistance Center whose telephone number is 800-786-9199. Furthermore, a variety of online resources are available at <http://www.uspto.gov/main/patents.htm>

 Ted Kim	Telephone	571-272-4829
Primary Examiner	Fax (Regular)	703-872-9306
June 13, 2005	Fax (After Final)	703-872-9306
Technology Center 3700 Receptionist	Telephone	703-308-0861
Patents Assistance Center	Telephone	800-786-9199